

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:01-00172

PERRY BROOKS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 21, 2018, the United States of America appeared by Gabriele Wohl, Assistant United States Attorney, and the defendant, Perry Brooks, appeared in person and by his counsel, Christian M. Capece, Assistant Federal Public Defender, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Lilla M. Adkins. The defendant commenced a five-year term of supervised release in this action on April 10, 2015, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on December 3, 2001.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant violated federal and state law inasmuch as on May 17, 2016, when arrested by a member of the Ohio State Highway Patrol in Jackson County, Ohio, he was found in possession of 190 grams of crack cocaine, the defendant having stipulated on the record of the hearing that the government possesses sufficient proof to prove the offense by a preponderance of the evidence; and (2) the defendant used and possessed cocaine as evidenced by positive urine specimens submitted by him on January 25, April 1, 5, 8 and 21, and May 4, 2016, as admitted by the defendant on the record of the hearing; all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

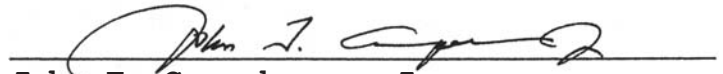
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of THIRTY-SIX (36) MONTHS, to be followed by a term of two (2) years of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B) and the standard conditions as set forth in Local Rule 32.3.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to FCI Milan.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 27, 2018


John T. Copenhaver, Jr.
United States District Judge